

The opinion in support of the decision being entered today is not binding precedent of the Board.

Filed by: Merits Panel
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Paper 122 **27**
Filed
25 January 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

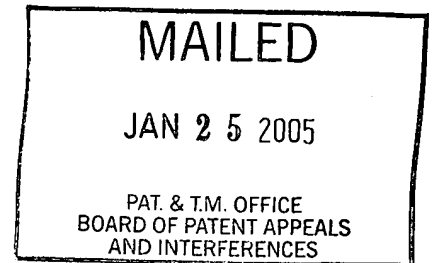
ALBERTO **STAMPA**, PELAYO CAMPS, GLORIA RODRIGUEZ,
JORDI BOSCH and MARIA DEL CARMEN ONRUBIA

Junior Party,

v.

WILLIAM P. **JACKSON**

Senior Party



Patent Interference Nos. 105,069 and 105,212

105,069 and 105,212

JUDGMENT - MERITS - Bd.R. 127

Upon consideration of

- (1) the Decision on Preliminary Motions [Paper 69; Judges Spiegel, Lane and Tierney];
- (2) the Decision - Preliminary Motions & Rehearing - Bd.R. 125 [Paper 120; Judges Spiegel, Lane and Tierney] and
- (3) the Decision - Priority - Bd.R. 125(a) [Paper 121, Judges McKelvey, Schafer and Lorin],

it is

ORDERED that judgment on priority as to Count 1 of Interference 105,069 is awarded against junior party ALBERTO STAMPA, PELAYO CAMPS, GLORIA RODRIGUEZ, JORDI BOSCH and MARIA del CARMEN ONRUBIA.

FURTHER ORDERED that junior party ALBERTO STAMPA, PELAYO CAMPS, GLORIA RODRIGUEZ, JORDI BOSCH and MARIA del CARMEN ONRUBIA is not entitled to a patent containing claims 1-18 (corresponding to Count 1 of Interference 105,069) of reissue application 10/234,659, filed 3 September 2002.

FURTHER ORDERED that judgment on priority as to Count 1 of Interference 105,212 is awarded against junior party ALBERTO STAMPA, PELAYO CAMPS, GLORIA RODRIGUEZ, JORDI BOSCH and MARIA del CARMEN ONRUBIA.

FURTHER ORDERED that junior party ALBERTO STAMPA, PELAYO CAMPS, GLORIA RODRIGUEZ, JORDI BOSCH and MARIA del CARMEN ONRUBIA is not entitled to a patent containing claims 1-18 (corresponding to Count 1 of Interference 105,212) of reissue application 10/234,659, filed 3 September 2002.

FURTHER ORDERED that junior party ALBERTO STAMPA, PELAYO CAMPS, GLORIA RODRIGUEZ, JORDI BOSCH and MARIA del CARMEN ONRUBIA is not entitled to a patent containing claims 1-13 (corresponding to Count 1 of Interference 105,212) of U.S. Patent 6,084,100 granted 4 July 2000, based on application 09/058,837, filed 13 April 1998.

FURTHER ORDERED that copies of the

(1) the Decision on Preliminary Motions [Paper 69];

- (2) the Decision - Preliminary Motions & Rehearing -
Bd.R. 125 [Paper 120] and
(3) the Decision - Priority - Bd.R. 125(a)
[Paper 121],

shall be placed in the files of:

- (1) Stampa U.S. Patent 6,084,100;
(2) Stampa reissue application 10/234,659;
(3) Jackson U.S. Patent 6,093,827 and
(4) Jackson application 09/525,894.

FURTHER ORDERED that if there is a settlement agreement, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 41.205, reprinted in 69 Fed. Reg. at 50019 (Aug. 12, 2004).

FURTHER ORDERED that entry of this judgment is a final decision [37 CFR § 41.2, reprinted in 69 Fed. Reg. at 50003-50004 (Aug. 12, 2004)] in both interferences.

m.g.K

FRED E. MCKELVEY
Senior Administrative Patent Judge

Richard E. Schaffer

RICHARD E. SCHAFER
Administrative Patent Judge

Hubert C. Lorin

HUBERT C. LORIN
Administrative Patent Judge

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